

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

LATOYA SMITH,)
)
Petitioner,)
)
v.) Case No: CV-09-S-1201-S
)
WARDEN CYNTHIA S.)
WHEELER-WHITE, et al.,)
)
Respondents.)

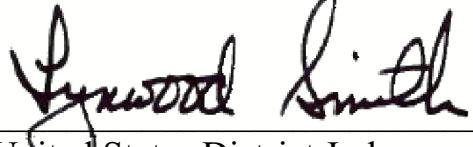
MEMORANDUM OPINION

This case is before the court on the petition for writ of habeas corpus filed pursuant to 28 U.S.C. 2254. The magistrate judge entered a report and recommendation recommending that the action be dismissed because the petitioner has not exhausted the remedies available to her in state court. Objections have been filed.

The court has considered the entire file in this action, including the report and recommendation and the petitioner's objections to the report and recommendation, and has reached an independent conclusion that the report and recommendation is due to be adopted and approved. Accordingly, the court hereby adopts and approves the findings and recommendation of the magistrate judge as the findings and conclusions

of the court, and the petition is due to be dismissed. An appropriate order will be entered.

DONE this 24th day of July, 2009.



Lynnwood Smith
United States District Judge